

Article 26

COUNSELING AND SERVICE RATINGS

Section A. General.

Counseling is affirmative efforts by the Employer to assist employees in a timely fashion who are having difficulty performing their jobs satisfactorily, and are not responsibly fulfilling their employment obligations. Counseling includes verbal and/or written instruction, correction, training or retraining, but not all training or retraining is counseling. Counseling is not considered disciplinary action, nor is it a prerequisite to disciplinary action. To the extent that a provision of this Article is in conflict with, or extends greater protections for employees than, a departmental policy or procedure on counseling, the provisions of this Article shall supersede the provisions of the departmental policy.

Section B. Informal (Verbal) Counseling.

Informal counseling may be undertaken when, in the judgment of the Employer, it is deemed necessary to improve performance or demeanor, instruct the employee, and/or attempt to avoid the necessity of disciplinary action. Informal counseling will not be recorded in the employee's personnel file, but it may be noted in supervisory records which are for the supervisor's own use. The employee shall be advised when the supervisor intends to make such note.

Section C. Formal Counseling.

When, in the judgment of the Employer, informal counseling is inappropriate, formal counseling may be conducted by an appropriate supervisor. Formal counseling will normally include a review of applicable standards and policies, an indication of what additional steps may be expected if job performance or demeanor is not improved, and a discussion of the factors listed in Subsections 1. through 6. below. A written summary of the formal counseling session will be prepared in a memorandum or on a standard form and a copy of such summary will be given to and signed for by the employee. Such signature shall indicate only that the employee has been offered or received a copy, and shall not necessarily be regarded as agreement with its contents. A copy shall be retained in the employee's individual personnel file.

The written summary of formal counseling shall contain a statement of:

1. The general nature of the problem.
2. The specific respects in which performance is unacceptable, including examples, times, dates, and places of such unacceptable performance.
3. Any previous individual measures taken by the supervisor to correct the performance problem, such as prior informal or formal counseling.
4. How the employee is expected to improve performance, including a

description of what is acceptable performance and the steps to achieve acceptable performance.

5. The time frame during which the employee must demonstrate improvement to an acceptable standard.
6. Progressively more serious actions which may result if performance is not improved as required within the established time frame.

Section D. Removal of Counseling Records.

If, during the one (1) year period following the date of any written summary of formal counseling, the employee has received neither further formal counseling, an unsatisfactory service rating, nor any disciplinary action, and on or after the expiration of such one (1) year period the employee requests the Employer to do so, the Employer shall remove the written summary of formal counseling from the employee's individual personnel file.

Section E. Counseling Appeals.

A non-probationary employee may grieve an unsatisfactory service rating through the final step of the grievance and arbitration procedure. An employee may grieve formal counseling through Step Three of the grievance procedure, and the Departmental redetermination step established and regulated in Article 9. Such redetermination shall be confined to a review of the grievance record and such relevant new evidence as is presented for consideration.

Section F. Unsatisfactory Service Ratings.

An employee shall be entitled to Union representation, upon request, at any conference at which the employee is receiving an unsatisfactory service rating under the authority recognized in Civil Service Rules and Regulations.